

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NISSAN NORTH AMERICA, INC.,  
Petitioner,

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC,  
Patent Owner.

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Case IPR2015-01509  
Patent 6,549,130 B1

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Before HOWARD B. BLANKENSHIP, STACEY G. WHITE, and  
JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*Inter Partes* Review  
35 U.S.C. §318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Petitioner, Nissan North America, Inc., filed a Petition to institute an *inter partes* review of claims 26, 29, 30, 33, 42, 43, 48, 60, and 68 of U.S. Patent No. 6,549,130 B1 (“the ’130 patent”). Paper 1 (“Pet.”). Patent

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Owner, Joao Control & Monitoring Systems, LLC, filed a Preliminary Response pursuant to 35 U.S.C. § 313. Paper 9 (“Prelim. Resp.”).

Upon consideration of the Petition and the Preliminary Response, on January 7, 2016, we instituted *inter partes* review of claims 26, 29, 30, 33, 42, 43, 48, 60, and 68 (“instituted claims”), pursuant to 35 U.S.C. § 314. Paper 10 (“Dec.”).

Subsequent to institution, Patent Owner filed a Patent Owner Response. Paper 20 (“PO Resp.”). Petitioner filed a Reply to Patent Owner’s Response. Paper 24 (“Reply”). An oral hearing was held on September 9, 2016, and a transcript of the hearing is included in the record. Paper 28 (“Tr.”).

We issue this Final Written Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed herein, Petitioner has shown by a preponderance of the evidence that claims 26, 29, 30, 33, 42, 43, 48, 60, and 68 of the ’130 patent are unpatentable. *See* 35 U.S.C. § 316(e).

#### A. *Related Matters*

Both Petitioner and Patent Owner indicate that the ’130 patent or related patents have been asserted in numerous proceedings. Exs. 1016–1018; Paper 5.

*B. The Asserted Grounds*

Petitioner identifies the following as asserted grounds of unpatentability:

Reference(s)	Basis	Instituted Claim(s)
Frossard (Ex. 1005) <sup>1</sup>	§ 102(a) <sup>2</sup>	26, 29, 33, 42, 48, and 68
Frossard and Pagliaroli (Ex. 1006) <sup>3</sup>	§ 103(a)	30 and 43
Frossard and Simms (Ex. 1007) <sup>4</sup>	§ 103(a)	60
Pagliaroli	§ 102(e)	26, 29, 30, 42, 43, and 48
Pagliaroli and Frossard	§ 103(a)	33 and 68
Pagliaroli and Simms	§ 103(a)	60

*C. The '130 Patent*

The '130 patent is directed to controlling a vehicle or premises. Ex. 1001, Abs. The '130 patent describes three control devices; a first control device is located at a vehicle or premises, a second control device is located

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<sup>1</sup> European Patent Application Publication No. 0 505 266 A1, published March 17, 1992.

<sup>2</sup> The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, revised 35 U.S.C. § 103 and the relevant sections took effect on March 16, 2013. Because the application from which the '130 patent issued was filed before that date, our citations to Title 35 are to its pre-AIA version.

<sup>3</sup> U.S. Patent No. 5,276,728, filed Nov. 6, 1991.

<sup>4</sup> U.S. Patent No. 5,334,974, filed Feb. 6, 1992.

remote from the vehicle or premises, and a third control device is located remote from the vehicle or premises and remote from the second control device. *Id.* The first control device generates a first signal in response to a second signal from the second control device. *Id.* The first control device can activate, de-activate, disable or re-enable, one or more of “a respective system, component, device, equipment, equipment system, and/or appliance, of a respective vehicle or premises with a first signal.” *Id.* The second control device generates the second signal in response to a third signal from the third control device. *Id.* The “second control device is at least one of a server computer, a computer, and a network computer.” *Id.* at 81:19–21. In addition,

the third control device is at least one of a stationary device, a portable device, a hand-held device, a mobile device, a telephone, a cordless telephone, a cellular telephone, a home computer, a personal computer, a personal digital assistant, a television, an interactive television, a digital television, a personal communications device, a personal communications services device, a display telephone, a video telephone, a watch, and a two-way pager.

*Id.* at 81:21–29.

#### *D. The Instituted Claims*

Of the instituted claims 26, 29, 30, 33, 42, 43, 48, 60, and 68, claims 26, 42, and 48 are independent. Claim 26 is illustrative and reproduced below:

26. A control apparatus, comprising:

a first control device, wherein the first control device at least one of generates and transmits a first signal for at least one of

activating, de-activating, disabling, and re-enabling, at least one of a vehicle system, a vehicle component, a vehicle device, a vehicle equipment, a vehicle equipment system, and a vehicle appliance, of a vehicle, wherein the first control device is located at the vehicle, wherein the first control device is responsive to a second signal, wherein the second signal is at least one of generated by and transmitted from a second control device, wherein the second control device is located at a location which is remote from the vehicle, wherein the second signal is transmitted from the second control device to the first control device, and further wherein the second signal is automatically received by the first control device,

wherein the second control device is responsive to a third signal, wherein the third signal is at least one of generated by and transmitted from a third control device, wherein the third control device is located at a location which is remote from the vehicle and remote from the second control device, wherein the third signal is transmitted from the third control device to the second control device, and further wherein the third signal is automatically received by the second control device,

wherein the at least one of a vehicle system, a vehicle component, a vehicle device, a vehicle equipment, a vehicle equipment system, and a vehicle appliance, is at least one of a vehicle ignition system, a vehicle fuel pump system, a vehicle alarm system, a vehicle door locking device, a vehicle hood locking device, a vehicle trunk locking device, a wheel locking device, a brake locking device, a horn, a vehicle light, a vehicle lighting system, a refrigerator, an air conditioner, an oven, a vehicle window locking device, a video recording device, an audio recording device, a camera, an intercom device, a microphone, a locking device, a monitoring device for monitoring at least one of fuel supply, water or coolant supply, generator operation, alternator operation, battery charge level, and engine temperature, fire extinguishing equipment, radar equipment, hydraulic equipment, pneumatic equipment, a winch, a self-defense system, a weapon system, a gun, an electronic warfare system, a pumping device, sonar equipment,

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